

SPAWAR INSTRUCTION 5200.21D

From: Commander, Space and Naval Warfare Systems Command

Subj: MEMORANDUM OF AGREEMENT (MOA)/MEMORANDUM OF
UNDERSTANDING (MOU)

Ref: (a) SPAWARINST 5402.1Q
(b) DODINST 4000.19

Encl: (1) MOA/MOU Format
(2) Paragraph Format
(3) Review and Approval Process for MOA/MOUs

1. Purpose. To update the policy and procedures for initiating, developing, approving and maintaining Memoranda of Agreement (MOA)/Memoranda of Understanding (MOU) according to references (a) and (b).

2. Cancellation. SPAWARINST 5200.21C is canceled.

3. Definitions. As defined in reference (b):

a. Memorandum of Agreement (MOA). Memorandums that define general areas of conditional agreement between two or more parties – what one party does depend on what the other party does (e.g., one party agrees to provide support if the other party provides the materials). MOAs that establish responsibilities for providing recurring reimbursable support should be supplemented with support agreements that define the support, basis for reimbursement for each category of support, the billing and payment process, and other terms and conditions of the agreement.

b. Memorandum of Understanding (MOU). Memorandums that define general areas of understanding between two or more parties – explains what each party plans to do; however, what each party does is not dependent on what the other party does (e.g., does not require reimbursement or other support from receiver).

c. Support Agreement. An agreement to provide recurring support to another DoD or non-DoD Federal activity. Support agreements are recorded on a DD Form 1144, or a similar format (e.g., computer generated DD Form 1144). They define the support to be provided by one supplier to one or more receivers, specify the basis for calculating reimbursement charges (if any) for each service, establish the billing and reimbursement process, and specify other terms and conditions of the agreement.

4. Policy. Space and Naval Warfare Systems Command (SPAWAR) mission and responsibilities frequently require cooperative efforts and commitments to other commands and government organizations to ensure that mutual missions and projects are successful. An MOA/MOU will contain agreed upon commitments to be performed by one or more organizational elements of SPAWAR as well as those to be performed by other government organizations.

a. MOA/MOUs or their revisions and amendments will be developed and maintained jointly by SPAWAR and the cognizant organization(s) when:

(1) A specific commitment to another government organization is essential to the successful execution of the assigned program or function.

(2) Charters and functional statements do not clearly define mutual mission areas, functional responsibilities, or authorities.

(3) Functional transfers occur between commands.

b. MOA/MOUs will not be required for:

(1) Normal tasking to and from other government organizations if the tasking is clearly consistent with the performing organization's charter or functional statements. A variety of formats other than MOAs will document such working relationships.

(2) Supply Support or Interservicing Agreements.

c. MOA/MOUs covering routine tasking may be signed by the Commanding Officers of echelon 3 field activities if the sponsor of the tasking requires such an agreement. In such cases information copies of the MOA/MOUs should be sent to SPAWAR 08-44 for record purposes.

5. Responsibilities

a. SPAWAR 00/09/00A will approve MOAs/MOUs with sources outside the Department of Defense (DoD).

b. SPAWAR 00/09/00A Directorate Heads, and Program Directors can approve MOA/MOUs within DoD, including other Department of the Navy (DoN) activities.

c. The cognizant Program Manager (PMW) can approve MOA/MOUs with other DoN activities.

- d. Directorate Heads, Program Directors and Program Managers are responsible for:
 - (1) Technical and programmatic adequacy of the MOA/MOUs.
 - (2) Prompt resolution of issues during the review and approval process.
 - (3) Implementation and monitoring of the MOA/MOUs while it is in force.
 - (4) Revision of the MOA/MOUs to keep it current.
- e. SPAWAR directorates and staff organizations that have been requested to provide a review of proposed or revised MOA/MOUs will ensure a prompt review in their areas of expertise.
- f. The Head, Administrative Services Branch - (SPAWAR 08-44) will:
 - (1) Serve as the command-wide manager and coordinator for the MOA/MOU process; which includes:
 - (a) Ensuring that a SPAWAR manager is assigned to each MOA/MOUs to be developed or maintained.
 - (b) Providing assistance and guidance to the assigned SPAWAR manager during the development of the MOA/MOUs.
 - (c) Ensuring that appropriate SPAWAR organizations (e.g., SPAWAR OOC, SPAWAR 01) are involved from the earliest stage of planning for the MOA/MOUs. Those having resource implications will require SPAWAR 01 review and concurrence.
 - (d) Reviewing proposed MOAs for adherence to technical program management policies and MOA format.
 - (e) Assisting to resolve any divergent recommendations concerning the proposed MOA.
 - (f) Forwarding the proposed MOA/MOUs or their revisions to the appropriate signature authority.
 - (g) Maintaining file copies of signed MOA/MOUs for record purposes.

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6. Procedures for MOA/MOU

a. The cognizant SPAWAR manager will:

(1) Ensure that MOA/MOU revisions and amendments are developed according to the policy and procedures of this instruction. The format of enclosures (1) and (2) will be used to the extent possible in the development of the MOA/MOU.

(2) Furnish a draft (or proposed changes to an existing MOA/MOU) to SPAWAR 08-44 who will then circulate it to all concerned parties for review and comment. After the review is completed, SPAWAR 08 shall forward the fully staffed MOA/MOU revisions to the appropriate signature authority.

b. Enclosure (3) provides an abbreviated example of the typical routing process.

7. Action. All addressees will adhere to the provisions of this instruction.

Distribution:
SPAWAR List 2

Copy to:
SNDL Part II:
FKQ (SPAWAR Activities)
FKR (SPAWAR Reserves)

MOA FORMAT

SPAWAR MOAs should include but not necessarily be limited to the following:

MEMORANDUM OF AGREEMENT

Between

Commander, Space and Naval Warfare Systems Command

and

Commander, Name of Other Organization

Subj: THE SUBJECT SHOULD BE STATED IN CAPITAL LETTERS AS A SUBJECT LINE IN ACCORDANCE WITH THE DEPARTMENT OF THE NAVY CORRESPONDENCE MANUAL (SECNAVINST 5216.5D)

Ref: (a) Any reference(s) should be included as necessary

1. Purpose. A brief description of the purpose should be provided.
2. Background. A brief description of the program and function area of interest should be provided.
3. Scope. A brief description of the range and limits of the agreement should be included.
4. Charter Relationships. A brief statement of the pertinent charter functions of SPAWAR and other organizations and necessary deviations should be included.
5. Specific Charter Relationships. Specific functions to be performed by SPAWAR and those to be performed by other government organizations including specific authority delegations interfaces and reviews should be clearly identified.
6. Participation within SPAWAR. Any participation by other involved organizations within SPAWAR should be fully described.
7. Procedures Discussion [when required]. A brief explanation of organization unique procedures, especially in agreement involving non-DoD organizations, may be necessary to ensure that the parties have a common understanding of the procedures to be employed to reach the objectives of the agreement.

Encl (1)

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8. Schedule. Major milestones and criteria for demonstrating successful accomplishment of major milestones should be stated.

9. Resource Commitments

a. Manpower, contract facilities and financial resource commitments should be explicitly described for each organization within SPAWAR as well as for other government organizations.

b. Responsibilities for programming, budgeting and budget execution should also be described.

10. Expected Impact on Personnel and Organization. A statement should be included regarding any anticipated impact on personnel (such as possible changes in grade structure or staffing requirements or on the organizational structure).

11. Duration and Review. The duration of the agreement and procedures for revising or terminating the agreement should be stated.

12. Approving Officials

a. The MOA should be signed and dated in two originals by the approving officials and becomes effective on the date signed by the last approving official.

b. The signature blocks are arranged so the senior approving official signs on the right.

c. Add the appropriate number of signature lines for additional signatures.

Type Name of Signee
Rank of Signee, U.S. Navy
Title, Name of Signee's Command
Date: _____

Type Name of Senior Signee
Rank of Senior Signee, U.S. Navy
(If military)
By direction
Date: _____

Encl (1)

PARAGRAPH FORMAT

Paragraph format of the MOAs should be in accordance with Department of Navy (DON) correspondence.

1. This exhibit shows the arrangement of paragraphs according to the DON Correspondence Manual. Number main paragraphs such as this one. Although primary paragraphs in business letters are not numbered, subparagraphs may be lettered or numbered, following the pattern of the standard letter. Single-spaced within main paragraphs and within subparagraphs, but double-space between them

a. Indent each new subdivision of a paragraph by four spaces and start typing at the fifth space. The second and succeeding lines of subparagraphs and subdivisions, except long quoted passages, extend from the left to the right margin. Primary paragraphs and first subdivision paragraphs are followed by a period and two spaces before typing begins.

b. If subparagraphs are needed, use at least two. For example, a(1) subparagraph must have at least an a(2) subparagraph.

(1) One space follows the parenthesis. When paragraphs are subdivided and numbered or lettered, they are designated in the following sequence: 1, a, (1), (a), 1, (a).

(a) How to Cite Paragraphs. When citing a paragraph or subparagraph, write numbers and letters without periods or spaces. "Paragraph 1b(1) (a)" describes the subparagraphs one is reading.

(b) Limits to Subparagraphing. Rarely use all the paragraph divisions shown in this model and never use more; reparagraph instead. Though subparagraphs clearly display levels of importance and encourage the use of lists for easy reading, subparagraphs clutter writing when overused.

(c) Use of Headings. Use headings in writing when topics vary widely. Be brief, but informative; avoid simple, vague words like "citations" or "limits." Underline any heading and capitalize its key words. Be consistent across main paragraphs and within a sub; if paragraph 1 had a heading, paragraph 2 would need a heading; if 1a had a heading, 1b would need a heading.

(2) Use letters or numbers in parentheses. As shown in the next sentence to emphasize a few short statements without the added emphasis of a separate line for each. This format does the following: (a) highlights ideas; (b) improves readability, and (c) saves space.

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2. Start a paragraph near the end of a page only if that page has room for two lines or more. Continue a paragraph on' the following page only if two lines or more can be carried over. A signature page must have at least two lines of text.
3. Number pages by numbering with the second page as 2 in the center at the bottom and continue numbering consecutively in the same manner each additional page.

Encl (2)

REVIEW AND APPROVAL PROCESS FOR MEMORANDUM OF AGREEMENT (MOA)/ MEMORANDUM OF UNDERSTANDING (MOU)

